

Calendar No. 256

108TH CONGRESS
1ST SESSION

S. 434

[Report No. 108–132]

To authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2003

Mr. CRAIG (for himself and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

AUGUST 26, 2003

Reported under authority of the order of the Senate of July 29 (legislative day, July 21), 2003, by Mr. DOMENICI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Idaho Panhandle Na-
 5 tional Forest Improvement Act of 2003”.

6 **SEC. 2. DEFINITION OF SECRETARY.**

7 In this Act, the term “Secretary” means the Sec-
 8 retary of Agriculture.

9 **SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.**

10 (a) IN GENERAL.—The Secretary may, under such
 11 terms and conditions as the Secretary may prescribe, sell
 12 or exchange any or all right, title and interest of the
 13 United States in and to the following National Forest Sys-
 14 tem land and improvements:

15 (1) Granite/Reeder Bay, Priest Lake Parcel, T.
 16 61 N., R. 4 E., B.M., sec. 17, S $\frac{1}{2}$ NE $\frac{1}{4}$ (80 acres,
 17 more or less).

18 (2) North South Ski area, T. 43 N., R. 3 W.,
 19 B.M., sec. 13, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$,
 20 NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ (50 acres
 21 more or less).

22 (3) Shoshone work camp (including easements
 23 for utilities), T. 50 N., R. 4 E., B.M., sec. 5, a por-
 24 tion of the S $\frac{1}{2}$ SE $\frac{1}{4}$.

1 (b) DESCRIPTIONS.—The Secretary may modify the
 2 descriptions in subsection (a) to correct errors or to recon-
 3 figure the properties in order to facilitate a conveyance.

4 (c) CONSIDERATION.—Consideration for a sale or ex-
 5 change of land under subsection (a)—

6 (1) shall be equal to the market value of the
 7 land; and

8 (2) may include cash, improved or unimproved
 9 land, or land with improvements constitutes in ac-
 10 cordance with specifications of the Secretary.

11 (d) APPLICABLE LAW.—Except as otherwise provided
 12 in this Act, any sale or exchange of National Forest Sys-
 13 tem land under subsection (a) shall be subject to the laws
 14 applicable to the conveyance and acquisition of land for
 15 the National Forest System.

16 (e) VALUATION.—The market value of the land and
 17 the improvements to be sold, exchanged, or constructed
 18 under this Act shall be determined by an appraisal that
 19 is acceptable to the Secretary and conforms to the “Uni-
 20 form Appraisal Standards for Federal Land Acquisitions”.

21 (f) CASH EQUALIZATION.—Notwithstanding any
 22 other provision of law, the Secretary may accept a cash
 23 equalization payment in excess of 25 percent of the value
 24 of land exchanged under subsection (a).

1 (g) SOLICITATIONS OF OFFERS.—The Secretary may
 2 solicit offers for the sale or exchange of land under this
 3 section on such terms and conditions as the Secretary may
 4 prescribe. The Secretary may reject any offer made under
 5 this section if the Secretary determines that the offer is
 6 not adequate or not in the public interest.

7 (h) METHODS OF SALE.—The Secretary may sell
 8 land under subsection (a) at public or private sale, includ-
 9 ing at auction, in accordance with such terms, conditions,
 10 and procedures as the Secretary determines to be in the
 11 best interests of the United States.

12 **SEC. 4. DISPOSITION OF FUNDS.**

13 (a) DEPOSIT OF PROCEEDS.—The Secretary shall de-
 14 posit the proceeds of a sale or exchange under section 3(a)
 15 in the fund established under Public Law 90-171 (16
 16 U.S.C. 484a, commonly known as the “Sisk Act”).

17 (b) USE OF PROCEEDS.—Funds deposited under sub-
 18 section (a) shall be available to the Secretary, without fur-
 19 ther appropriation—

20 (1) for the acquisition of, construction of, or re-
 21 habilitation of existing facilities for, a new ranger
 22 station in the Silver Valley portion of the Panhandle
 23 National Forest; or,

24 (2) to the extent that the amount of funds de-
 25 posited exceeds the amount needed for the purpose

1 described in paragraph (1), for the acquisition, con-
 2 struction, or rehabilitation of other facilities in the
 3 Panhandle National Forest.

4 (c) LIMITATIONS.—Proceeds from the sale or ex-
 5 change of land under this Act shall not be paid or distrib-
 6 uted to states or counties under any provision of law, or
 7 otherwise considered to be moneys from units of the Na-
 8 tional Forest System for the purposes of—

9 (1) the Act of May 23, 1908 (16 U.S.C. 500);

10 (2) the Act of March 1, 1911 (16 U.S.C. 500,
 11 commonly known as the “Weeks Law”); or

12 (3) the Act of March 4, 1913 (16 U.S.C. 501).

13 (d) DEPARTMENTAL REGULATIONS.—The Agri-
 14 culture Property Management Regulations shall not apply
 15 to any disposition of National Forest System land under
 16 this Act or any other action taken under this Act.

17 (e) MANAGEMENT OF LANDS ACQUIRED BY THE
 18 UNITED STATES.—Land transferred to or otherwise ac-
 19 quired by the Secretary under this Act shall be managed
 20 in accordance with the Act of March 1, 1911 (16 U.S.C.
 21 480 et seq., commonly known as the “Weeks Law”) and
 22 other laws relating to the National Forest System.

23 (f) WITHDRAWAL AND REVOCATIONS.—

24 (1) PUBLIC LAND ORDERS.—As of the date of
 25 this Act, any public land order withdrawing land de-

1 scribed in section 3(a) from all forms of appropria-
 2 tion under the public land laws is revoked with re-
 3 spect to any portion of the land conveyed by the Sec-
 4 retary under this section.

5 (2) ~~WITHDRAWAL.~~—Subject to valid existing
 6 rights, all land described in section 3(a) is with-
 7 drawn from location, entry, and patent under the
 8 mining laws of the United States.

9 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated such sums
 11 as are necessary to carry out this Act.

12 **SECTION 1. SHORT TITLE.**

13 *This Act may be cited as the “Idaho Panhandle Na-*
 14 *tional Forest Improvement Act of 2003”.*

15 **SEC. 2. DEFINITION OF SECRETARY.**

16 *In this Act, the term “Secretary” means the Secretary*
 17 *of Agriculture.*

18 **SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.**

19 (a) *IN GENERAL.*—*The Secretary may, under such*
 20 *terms and conditions as the Secretary may prescribe, sell*
 21 *or exchange any or all right, title, and interest of the United*
 22 *States in and to the following National Forest System land*
 23 *and improvements:*

1 (1) *Granite/Reeder Bay, Priest Lake Parcel,*
 2 *T61N, R4E, Boise Principal Meridian, section 17,*
 3 *S^{1/2}NE^{1/4} (80 acres, more or less).*

4 (2) *North South Ski area, T43N, R3W, Boise*
 5 *Principal Meridian, section 13, SE^{1/4}SE^{1/4}SW^{1/4},*
 6 *S^{1/2}SW^{1/4}SE^{1/4}, NE^{1/4}SW^{1/4}SE^{1/4}, and*
 7 *SW^{1/4}SE^{1/4}SE^{1/4} (50 acres more or less).*

8 (3) *Shoshone work camp (including easements*
 9 *for utilities), T50N, R4E, Boise Principal Meridian,*
 10 *section 5, a portion of the S^{1/2}SE^{1/4} (19 acres, more*
 11 *or less).*

12 (b) *DESCRIPTIONS.—The Secretary may modify the*
 13 *descriptions in subsection (a) to correct errors or to make*
 14 *minor adjustments to the parcels in order to facilitate the*
 15 *conveyance of the parcels.*

16 (c) *CONSIDERATION.—Consideration for a sale or ex-*
 17 *change of land under subsection (a)—*

18 (1) *shall be equal to the fair market value of the*
 19 *land; and*

20 (2) *may include cash or improved or unim-*
 21 *proved land.*

22 (d) *APPLICABLE LAW.—Except as otherwise provided*
 23 *in this Act, any sale or exchange of National Forest System*
 24 *land under subsection (a) shall be subject to the laws appli-*

1 *cable to the conveyance and acquisition of land for the Na-*
 2 *tional Forest System.*

3 (e) *VALUATION.*—*The market value of the land and the*
 4 *improvements to be sold or exchanged under this Act shall*
 5 *be determined by an appraisal that is acceptable to the Sec-*
 6 *retary and conforms with the Uniform Appraisal Stand-*
 7 *ards for Federal Land Acquisitions.*

8 (f) *CASH EQUALIZATION.*—*Notwithstanding section*
 9 *206(b) of the Federal Land Policy and Management Act*
 10 *of 1976 (43 U.S.C. 1716(b)), the Secretary may accept a*
 11 *cash equalization payment in excess of 25 percent of the*
 12 *value of land exchanged under subsection (a).*

13 (g) *SOLICITATIONS OF OFFERS.*—

14 (1) *IN GENERAL.*—*The Secretary may solicit of-*
 15 *fers for the sale or exchange of land under this section*
 16 *on such terms and conditions as the Secretary may*
 17 *prescribe.*

18 (2) *REJECTION OF OFFERS.*—*The Secretary may*
 19 *reject any offer made under this section if the Sec-*
 20 *retary determines that the offer is not adequate or not*
 21 *in the public interest.*

22 (h) *METHODS OF SALE.*—*The Secretary may sell land*
 23 *under subsection (a) at public or private sale (including*
 24 *at auction), in accordance with any terms, conditions, and*

1 *procedures that the Secretary determines to be in the best*
 2 *interests of the United States.*

3 **SEC. 4. DISPOSITION OF FUNDS.**

4 (a) *DEPOSIT OF PROCEEDS.*—*The Secretary shall de-*
 5 *posit the proceeds of a sale or the cash equalization proceeds,*
 6 *if any, from an exchange under section 3(a) in the fund*
 7 *established under Public Law 90–171 (commonly known as*
 8 *the “Sisk Act”) (16 U.S.C. 484a).*

9 (b) *USE OF PROCEEDS.*—*Amounts deposited under*
 10 *subsection (a) shall be available to the Secretary, without*
 11 *further appropriation—*

12 (1) *for the acquisition of, construction of, or re-*
 13 *habilitation of existing facilities for, a new ranger*
 14 *station in the Silver Valley portion of the Panhandle*
 15 *National Forest; or*

16 (2) *to the extent that the amount of funds depos-*
 17 *ited exceeds the amount needed for the purpose de-*
 18 *scribed in paragraph (1), for the acquisition, con-*
 19 *struction, or rehabilitation of other facilities in the*
 20 *Panhandle National Forest.*

21 (c) *NONDISTRIBUTION OF PROCEEDS.*—*Proceeds from*
 22 *the sale or exchange of land under this Act shall not be*
 23 *paid or distributed to States or counties under any provi-*
 24 *sion of law, or otherwise treated as money received from*
 25 *a national forest, for purposes of—*

1 (1) *the Act of May 23, 1908 (16 U.S.C. 500);*

2 (2) *section 13 of the Act of March 1, 1911 (com-*
 3 *monly known as the “Weeks Law”) (16 U.S.C. 500);*

4 *or*

5 (3) *the Act of March 4, 1913 (16 U.S.C. 501).*

6 **SEC. 5. ADMINISTRATION.**

7 (a) *IN GENERAL.—Land transferred to or otherwise*
 8 *acquired by the Secretary under this Act shall be managed*
 9 *in accordance with—*

10 (1) *the Act of March 1, 1911 (commonly known*
 11 *as the “Weeks Law”) (16 U.S.C. 480 et seq.); and*

12 (2) *other laws relating to the National Forest*
 13 *System.*

14 (b) *EXEMPTION FROM PROPERTY MANAGEMENT REG-*
 15 *ULATIONS.—Part 1955 of title 7, Code of Federal Regula-*
 16 *tions (or any successor regulation), shall not apply to any*
 17 *actions taken under this Act.*

18 (c) *WITHDRAWALS AND REVOCATIONS.—*

19 (1) *WITHDRAWAL.—Subject to valid existing*
 20 *rights, all land described in section 3(a) is withdrawn*
 21 *from—*

22 (A) *location, entry, and patent under the*
 23 *mining laws; and*

24 (B) *the operation of the mineral leasing,*
 25 *mineral materials, and geothermal leasing laws.*

1 (2) *REVOCATION OF PUBLIC LAND ORDERS.*—As
2 *of the date of this Act, any public land order with-*
3 *drawing land described in section 3(a) from all forms*
4 *of appropriation under the public land laws is re-*
5 *voked with respect to any portion of the land con-*
6 *veyed by the Secretary under this section.*

7 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

8 *There are authorized to be appropriated such sums as*
9 *are necessary to carry out this Act.*

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